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UNCLAS SECTION 01 OF 02 ALGIERS 000365

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TAGS: PGOV PTER PHUM AG

SUBJECT: UNOFFICIAL, EMBASSY-EDITED TEXT OF IMPLEMENTING ORDINANCES FOR NATIONAL RECONCILIATION

REF: ALGIERS 338

CHAPTER ONE: PREAMBLE

¶1. The opening chapter lauds the sovereignty of the people who overwhelmingly voted for the Charter and implements the legal provisions of the approved charter in their name.

CHAPTER TWO: LEGAL PROCEEDINGS

¶2. In brief, this chapter deals with legal proceedings against those implicated in terrorism. Legal proceedings would be ceased upon adoption of the ordinances for all persons in the following categories:

Those who surrendered between January 13, 2000 and the promulgation of the implementing ordinances;

Those who have not been implicated in collective massacres, rapes or the use of explosives in public places have six months to surrender to the authorities and will have to turn over their weapons;

Those who are "wanted" inside or outside the country and who have not been implicated in the above mentioned crimes;

Those who have been condemned in absentia and not implicated in the crimes above, provided they present themselves to the authorities within a six-month period;

Those who have been implicated in support networks must present themselves to the authorities within six months;

Those who have been detained, but not convicted, and who are not implicated in the crimes above.

Chapter Two further provides for pardons for persons detained and convicted for acts not related to collective massacres, rapes, or the use of explosives in public places. It also provides for a reduction of sentences for persons convicted who, in conformity with other provisions, can benefit from either a pardon or cessation of legal action.

CHAPTER THREE: REINTEGRATION INTO SOCIETY

¶3. Chapter Three presents measures designed to consolidate national reconciliation and measures to prevent the repetition of the "national tragedy." With respect to the first, this chapter calls for the reintegration into their profession of all persons who were dismissed due to "the national tragedy." On the second measure, all kinds of political activity will be forbidden for any person responsible for "the instrumentalization of religion" which led to the national tragedy or any person who participated in

terrorist actions and refused to take responsibility for those actions by continuing to "advocate violence against the nation and institutions of the state."

CHAPTER FOUR: DISAPPEARED PERSONS PRESUMED TO BE DEAD

14. Devoted to disappearances of persons, this chapter provides that families may obtain death certificates for persons who "showed no sign of life" or whose body had never been found after all investigative means were exhausted.

CHAPTER FIVE: NO PUNISHMENT FOR FAMILIES

15. This chapter aims to strengthen national cohesion. Family members would not be held responsible or penalized for the involvement of relatives in terrorist activities. Discrimination towards them would be forbidden, and they would be allowed legal recourse should they believe discrimination has occurred. Finally, families "in financial difficulties" would receive financial assistance from the state within the framework of national solidarity.

CHAPTER SIX: SECURITY SERVICES SHELTERED

16. This chapter presents findings on the role of the security services. It finds that the security forces acted out of patriotism. No legal action can be taken, individually or collectively, against members of the security forces. Denunciations of or complaints against the above are inadmissible. Further, any written declaration or other act using or instrumentalizing the wounds of the national tragedy

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in order to attack these institutions weakens the states and prejudices the honor of agents who have served the public with dignity. Persons tarnishing the image of Algeria in this way are subject to legal sanctions.

CHAPTER SEVEN: PRESIDENT MAY IMPLEMENT BY DECREE

17. In accordance with the mandate conferred on the President by the September referendum, and in accordance with powers granted to him by the Constitution, this chapter provides that he can at any time take all measures required to implement the Charter for Peace and National Reconciliation.

18. The above ordinances were adopted February 28 and took effect March 1.

ERDMAN